

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

**JASON JELKS,**

**PLAINTIFF,**

**VS.**

**CASE NO.: CV-05-PT-1724-M**

**CITY OF GADSDEN, ALABAMA;**

**RON LEEK, individually and as**

**police officer for the City of**

**Gadsden, Alabama; CITY OF**

**RAINBOW CITY, ALABAMA;**

**CHARLES CLIFTON, individually**

**and as police officer for the City of**

**Rainbow City, Alabama,**

**DEFENDANTS.**

**Memorandum Opinion**

The case comes before the court on the motions for summary judgment by the City of Rainbow City, Alabama (doc. 28), the City of Gadsden, Alabama and Ron Leek (doc. 31), and Charles Clifton (doc. 34). Although a briefing schedule was entered, the plaintiff did not respond to the motions.<sup>1</sup>

On July 6, 2007, the magistrate issued a report and recommendation, and recommended that the motions be granted and this case be dismissed. The time for objections has now expired and no objections have been filed.

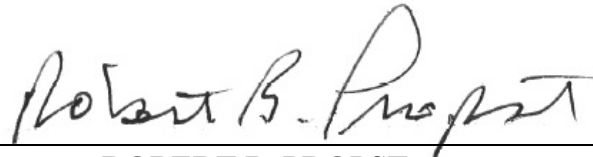
Having carefully reviewed and considered *de novo* all the materials in the court file, including

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<sup>1</sup>The scheduling order entered in this case clearly outlines when briefs are due. "After a motion for summary judgment has been filed, the opponent's responsive submission shall be filed not later than twenty-one (21) days after the date the summary judgment is filed." *Exhibit A, to the Scheduling Order of April 5, 2006*, at 1. The response briefs of the plaintiff would have been due on January 22, 2007, January 30, 2007, and February 9, 2007. No motion for an extension was filed by the plaintiff.

the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be **and is hereby ADOPTED** and his recommendation is **ACCEPTED**. The Court **EXPRESSLY FINDS** that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, defendants' motions for summary judgment are due to be **GRANTED** and this action is due to be **DISMISSED WITH PREJUDICE**. A Final Judgment will be entered.

**DONE** this the 25<sup>th</sup> day of July, 2007.

A handwritten signature in black ink, reading "Robert B. Propst", written over a horizontal line.

**ROBERT B. PROPST**  
**SENIOR UNITED STATES DISTRICT JUDGE**